

Court ruling may alter Taser use by law enforcement



By Kathryn Reed

How and when an officer uses a Taser is about to change because of a federal appeals court ruling in San Francisco.

“The objective facts must indicate that the suspect poses an immediate threat to the officer or a member of the public,” Judge Kim Wardlaw of the Ninth U.S. Circuit Court of Appeals wrote in the 3-0 ruling.

The case originated in San Diego from a traffic stop involving a Taser. Now that case will go to trial.

Officers in El Dorado County aren’t sure how the decision will affect them. South Lake Tahoe police officers and El Dorado sheriff’s deputies have been using Tasers for about five years.

Both departments said Tasers are just one tool they use – with batons, control holds and OC (pepper) spray being the non-lethal items on their belt.

Sheriff’s Sgt. Bruce Rosa knew all about the decision when questioned. He said the department will assess the decision like it does with all case law that is handed down.

“We make decisions in seconds. Judges and juries get to make decisions in days,” Rosa said. “It’s not that we don’t make mistakes. We are on the defensive usually all the time. They are on the offense. We want to go home at the end of the evening.”

Amnesty International reports that between 2001-08 334 people died in the United States after being Tasered.

"You hear a lot of people expire after a Taser. A lot of times their heart exploded from cocaine use," Rosa said.

Rosa said he was hit by a Taser in training and never wants to go through it again. It not only is painful, but also contracts the muscles.

Lt. David Stevenson at the SLTPD was not aware of the appeals court decision when *Lake Tahoe News* called. But he said Tasers have been an effective tool for his department and that work related injuries have gone down since

"Personally, I think this is one of the best tools to come around in a long time," Rosa said. "It is just a tool. We try to use it only when necessary, like any of our tools. Where cops get hurt is with batons."